

Affidavit of Attila Istvan Tormasi

ATTILA ISTVAN TORMASI, being duly sworn according to law, upon his oath deposes and says:

1. I am the father of Walter A. Tormasi. This Affidavit is being executed by me in order to exonerate Walter from a crime which he did not commit: the murder of my estranged wife, Frances E. Tormasi.
2. On November 6, 1978, Frances and I lawfully married in a civil ceremony in New Brunswick, New Jersey. Frances and I ultimately conceived four children—two boys, Walter and Attila Jr., and two girls, Sophia and Sonia. Walter was born on March 22, 1979, and is the second oldest child. In relation to Walter, Sophia is one year older, while Attila Jr. and Sonia are one and four years younger, respectively.
3. During the early 1990s, Frances and the children lived with me in a single-family house located at 1828 Middle Road in Martinsville, New Jersey.
4. In the 1980s, I acquired several rooming houses at various locations in New Jersey: one at 39 Duval Street in Bridgewater, one at 105 Fairview Avenue in Somerville, and one at 222 Seaman Street in New Brunswick. Since that time, I have made a living as the landlord of these rooming houses and have supplemented my income by operating an electrical business and by loaning sums of money to various individuals in exchange for favorable interest rates.
5. At some time in 1980, I was seriously burned in an industrial accident while performing an electrical job. While I was in the hospital, Frances began managing my rooming houses and all of our finances. Her duties in this regard included

collecting the rents due, managing our bank accounts, and paying bills and other expenses, including our mortgages.

6. In 1984, I received a \$120,000 settlement as a result of my injuries in the industrial accident. I gave the money to Frances with instructions that she open passbook bank accounts at Raritan Savings Bank, Martinsville branch, for each of our four children and that she split the money equally between the four accounts. The money was intended by me to be the children's college fund. I learned from inspecting the passbooks that Frances had opened the four accounts and had named herself the sole custodian of each account. I knew from inspecting the passbooks that I was not a signatory to the accounts and could not personally withdraw money from them.

7. During the ensuing years, Frances and I loaned money to various persons whom we deemed good credit risks in return for favorable interest rates. The money came from the children's passbook accounts and was withdrawn by Frances. I received timely payment checks from the persons to whom we loaned the money and gave the checks to Frances with instructions that she deposit them into the children's accounts.

8. During the early 1990s, Frances and I incurred a \$60,000 debt to the former owner of one of my rooming houses which was secured by a mortgage on our properties. We decided that it made financial sense to pay the debt by first borrowing \$60,000 from the money in the children's passbook accounts and then repaying the money borrowed from the children in regular installments from my income. Under this arrangement, the children would be receiving the interest which we otherwise would have had to pay to the mortgagor. The repayments to the children's accounts were

generally made by checks drawn on a joint checking account which Frances and I had with Raritan Savings Bank.

9. I trusted Frances to make the deposits from the above-stated transactions into the children's accounts. Consequently, I did not examine the passbooks to see if she was making the deposits. I would periodically observe canceled checks drawn from our joint checking account by Frances which purported to be made payable to our children. These checks verified my expectations that Frances was depositing the money into the children's accounts. Had Frances been depositing the money into the accounts as I had expected, the accounts, by January 1995, would have had considerably more than \$120,000 in them.

10. Beginning in late 1992, Frances and I began experiencing marital difficulties. Most of these difficulties originated from my discovering that Frances had either committed adultery or was attempting to do so. For example, during one incident which occurred at the Martinsville residence on December 29, 1992, I learned by eavesdropping on certain telephone conversations that Frances was sexually infatuated with another man. In response to this revelation, I struck Frances over the head with a glass bottle, causing her to suffer a laceration and severe bleeding. Frances was subsequently transported to the hospital, where she received fourteen stitches.

11. On November 22, 1994, I again caught Frances engaging in adulterous conduct. On that date, while searching for Frances at the Bridgewater rooming house, I noticed that Frances was intimately kissing one of my tenants, Dan L. Burnett. Upon making this observation, I immediately "blew up" and told Frances, "Get your ass

home right away." I then grabbed Frances by both arms and proceeded to drag her down the length of the hallway. After a brief struggle, Frances managed to free herself from my grasp, whereupon she ran into Burnett's room, locked the door, and called the police. Outraged at Frances, I threw my car keys against the door and informed Frances that I would smash her car windows if she did not come out of Burnett's room.

12. Shortly after this incident, Frances filed a Domestic Violence Complaint against me, which resulted in the issuance of a Temporary Restraining Order. During the pendency of the Complaint, Frances temporarily moved out of the Martinsville residence into an empty room at the Bridgewater rooming house.

13. On November 27, 1994, I went to the Bridgewater rooming house to spy on Frances despite the existence of the Temporary Restraining Order. From the outside of the building, I began looking through room windows to determine whether Frances and Burnett were committing adultery. When I got to Burnett's room window, Burnett noticed me from inside his room, went outside to where I was standing, and confronted me about my conduct. In response, I instructed Burnett to mind his business, and I threatened to kill him if he continued to "sleep around" with Frances.

14. Notwithstanding the foregoing incidents of infidelity, I subsequently attempted to reconcile with Frances to save our marriage. On December 1, 1994, after days of reassurances from me that Frances would not be harmed, and after Frances promised never to speak to Burnett ever again, Frances dismissed the Domestic Violence Complaint against me and returned to the Martinsville residence.

15. As I had expected, the tranquility between me and Frances did not last

long. On December 3, 1994, I caught Frances talking to Dan Burnett on the telephone. I became extremely upset and ordered Frances to hang up the telephone. Frances hastily complied, whereupon I initiated an intense verbal argument lasting the entire night and well into the next day. Frances was apparently unable to tolerate my continuous verbal abuse and decided to flee the Martinsville residence. On December 4, 1994, Frances packed her belongings into a suitcase and moved out of the Martinsville residence into an empty room at the Bridgewater rooming house. The room which Frances moved into was Room #3, a studio apartment conveniently located adjacent to Room #4, the room occupied by Burnett.

16. On December 5, 1994, Frances filed for divorce with the Superior Court of New Jersey, Chancery Division. In her Divorce Complaint, Frances cited several of the foregoing "domestic disputes" between us. She asserted in her Complaint that there were "no reasonable prospects of reconciliation" and demanded as relief "[d]issolution of the marriage" and "[e]quitable distribution of properties." In my Answer and Counterclaim, filed several months later, I falsely denied that any of the incidents of domestic violence occurred and asserted that Frances "engaged in acts of adultery" with Dan Burnett on numerous occasions. In accordance with civil law, my matrimonial attorney, Daniel E. Esposito, Esq., subsequently notified Burnett in writing of the pending divorce proceeding, my accusation that he had committed adultery with Frances, and his right to intervene in the proceeding.

17. In early January 1995, while searching through paperwork left at the Martinsville residence by Frances, I discovered the passbooks from Raritan Savings

Bank which belonged to my children's passbook accounts. When I examined the passbooks, I discovered that the \$120,000 which was supposed to have been in the children's accounts had been withdrawn. I immediately determined that the only person who could have removed the money was Frances, whom I knew had sole access to the passbooks and had named herself the sole custodian of each account. This discovery shocked me, as I was not previously aware that the accounts had been depleted and had never given Frances authorization to remove the money.

18. Then and there, I decided to have Frances killed in response to her theft of large sums of money, her commission of adultery, and in order to alleviate equitable distribution of marital assets required by the divorce.

19. In mid-January 1995, I appeared at the Atlantis Detective Bureau, a private investigative firm located at 711 Ginesi Drive in Morganville, New Jersey. After informing the receptionist that I needed an investigation conducted with regard to my pending divorce, I was directed to Michael A. Falcon, the firm's manager and lead investigator, for a personal interview.

20. During my ensuing private conversation with Falcon in his office, I advised Falcon in detail of my marital difficulties, the ramifications associated with my pending divorce, and the stolen money. This discussion lasted approximately thirty or forty minutes in duration. Near the end of the conversation, I informed Falcon that I was extremely desperate to resolve the matter at whatever cost necessary and that I needed an "investigation" conducted by him in order to "rectify" the situation. After further discussion, Falcon advised me that he could "extinguish" the problem by

personally making Frances "disappear," provided that I furnish him with \$25,000 in cash as compensation for his services.

21. In an effort to obtain clarification, I asked Falcon whether he was offering to murder Frances on my behalf in exchange for the amount of money specified by him. Falcon answered in the affirmative, explaining that he had murdered people before and knew precisely what he was doing. Having been satisfied that Falcon was capable of committing the murder without being apprehended by law-enforcement authorities, I agreed to hire Falcon to murder Frances, advising Falcon that I was interested in his services and would contact him within two or three weeks to discuss the matter further.

22. Fortunately for Frances, I did not have \$25,000 in my possession at that particular moment. Determined to hire Falcon to murder Frances, I slowly began stockpiling large sums of cash. In addition, using mostly stolen paperwork, my computer, and a photocopy machine, I began compiling miscellaneous documentation profiling the identity and lifestyle of Frances. Moreover, I took the initiative to steal a loaded .25-caliber Raven MP-25 semiautomatic handgun (Serial #1501537) from someone's house while performing an electrical job. I also acquired a 3_-inch computer diskette containing an electronic version of *The Anarchist Cookbook*, an instruction manual which included several sections pertaining to murder commission, covert surveillance, and apprehension avoidance.

23. I secreted each of the foregoing items in different places throughout the Martinsville residence, specifically placing the money and profile inside the ceiling tile in the basement, the Raven handgun inside a ventilation duct located in an elevated

crawl space in the basement, and the computer diskette between books atop a shelf located near my computer. Before hiding these items, I wrapped the money and profile separately in aluminum foil and placed the Raven inside a plastic sandwich bag.

24. Meanwhile, I attempted to acquire information from Frances concerning the \$120,000 which was missing from the children's passbook accounts. On January 22, 1995, I invited Frances to a restaurant under the premise of having dinner with the children. When Frances arrived at the Martinsville residence that evening for the engagement, I drove her and the children to Sizzler's restaurant using my vehicle. During the car ride to the restaurant, Frances denied involvement in the theft and refused to provide me with any information concerning the missing money. The denial of any wrongdoing by Frances insulted my intelligence and caused me to lose my temper. I responded by yelling at Frances and making numerous disparaging remarks regarding her character, repeatedly calling her "whore" and "bitch." Additionally, while dining at the restaurant that night, I loudly declared, within earshot of the children and other customers, that Frances "ran away" with another man, had abandoned the children, and was mentally ill, among other things. Later that evening at the Martinsville residence, while Frances had her arm in the doorway of the house, I slammed the door shut, injuring Frances.

25. On January 23, 1995, Frances filed a Domestic Violence Complaint against me regarding my physical and verbal transgressions. Concluding that I posed a threat to Frances, the family court judge later issued a Final Restraining Order against me after conducting a testimonial hearing.

26. On January 26, 1995, I again met Michael Falcon in his office at the Atlantis Detective Bureau to discuss our murder agreement, as promised by me several weeks earlier. I informed Falcon that I still desired to hire him to murder Frances but that I was presently unable to produce the \$25,000 required to do so. I advised Falcon that I would continue to acquire cash and that I would, in the interim, employ him in a less-costly "intelligence" operation as a prerequisite to the murder, as recommended by my electronic version of *The Anarchist Cookbook*. I asked Falcon how much it would cost to conduct covert surveillance on Frances, gather information, and report back to me. Falcon explained that his "regular" investigative fees were \$75 an hour and that such "investigations" usually took two partial days to complete, totaling approximately \$3,000. I agreed to the price quoted by Falcon and paid him the full amount in cash that day to retain his services.

27. In an effort to facilitate the investigation, I advised Falcon to pose as a tenant in order to rent a room at the Bridgewater rooming house where Frances resided. Aware that an unobstructed vantage point was crucial to acquiring meaningful surveillance data, I advised Falcon to rent Room #1D, an apartment situated directly adjacent to Room #3, the room occupied by Frances. Falcon commended me on my idea and stated that he would accept my recommendations.

28. On February 10, 1995, Falcon reported to me at the Martinsville residence for debriefing. During our meeting, Falcon relinquished to me two surveillance videotapes and two surveillance logs, advising me that those items had been generated by the "intelligence" operation. Falcon also provided me with two letters written by

him on company stationery. The letters documented the transference of the surveillance information; stipulated that the information was "confidential," "protected against disclosure," and "never to be revealed to the person or persons to whom it refers"; and indicated that the investigation was being terminated "pending ... further advice and instructions" from me.

29. The surveillance videotapes provided by Falcon were labeled "39 Duval Street," and the surveillance logs, which narrated the videotapes, were dated January 31 and February 1, 1995, respectively, and expressly referenced Frances as "female subject." In analyzing the surveillance data, I discovered that Dan Burnett and Frances had made frequent and periodic entrances into each other's rooms during the evening hours. This discovery reconfirmed the adulterous relationship between Frances and Burnett, and it reinforced my desire to seek retribution.

30. Now filled with even greater animosity and feelings of betrayal, I decided to have Burnett killed in addition to Frances. Accordingly, some time in mid-April 1995, I contacted Falcon from a payphone and inquired into the cost for the murder of Burnett. Falcon requested \$15,000 in advance but agreed to accept the assignment only if I supplied him with a firearm. I offered to supply Falcon with the .25-caliber Raven which I had previously stolen from someone's house while performing an electrical job. However, Falcon refused to accept the firearm, informing me that he needed a "large-caliber" firearm such as a .380 or 9 millimeter. I agreed to these conditions and told Falcon that I would obtain the money and firearm which he requested.

31. Meanwhile, my hostility toward Frances and Burnett continued to

intensify. On February 7, 1995, Burnett filed a Criminal Complaint against me for looking through his room window and threatening to kill him, conduct which I had committed over two months earlier, as described above. Given Burnett's romantic entanglement with Frances, I immediately concluded that Burnett's filing of his Criminal Complaint against me was instigated by Frances in an effort to complicate my legal predicament and frustrate my ability to adequately defend myself against divorce-related proceedings. This angered me greatly.

32. On February 8, 1995, I learned that Frances had negotiated a check for \$50,000 against my home-equity account at Raritan Savings Bank and had opened a personal savings account in her own name with the proceeds. (Several days prior to this transaction, I unsuccessfully attempted to secure my home-equity account against Frances, verbally requesting the bank to either freeze the account or, alternatively, dishonor any checks drawn against the account by Frances.) As far as I was concerned, Frances had successfully defrauded me out of substantial amounts of money once again. Needless to say, I was highly upset.

33. In mid-February 1995, while collecting rent at the Somerville rooming house, I encountered Judith Marx, a tenant who had lived at the rooming house for several years. I informed Marx that Frances had embezzled over \$120,000 from me throughout the course of our marriage. I stated that Frances constantly harassed me by requiring me to appear in court to litigate Domestic Violence Complaints, preliminary motions, and other matters. I notified Marx that if Frances continued to "push my buttons," I would "snap" and kill Frances. Marx interrupted me, advising me that I had

alternatives other than killing Frances. I responded by equating my predicament with that of the criminal matter involving ex-football player O.J. Simpson. I stated that I understood how O.J. Simpson had allegedly "snapped" and viciously killed ex-girlfriend Nicole Brown Simpson and her boyfriend Ronald Goldman in a "fit of rage."

34. Thereafter, my anger toward Frances persisted. In late February 1995, realizing that I needed Frances to transport one of my children to a sporting event, I attempted to call Frances on the telephone several times to request her to provide transportation arrangements. When Frances did not answer her telephone, I lost my temper and retrieved the .25-caliber Raven from within the ventilation duct in the basement with the intention to go to the Bridgewater rooming house to kill Frances. However, Frances eventually answered her telephone, causing me to cool down, abort my scheme to kill her, and return the Raven handgun to the ventilation duct.

35. In early March 1995, during the course of procuring prospective tenants, I encountered Diane Alemany at a motel in Green Brook, New Jersey. Although this was the first time Alemany and I had met, I advised Alemany in detail of my marital problems, informing her that Frances had left me and abandoned my children by "running away" with a younger man. I proceeded to describe to Alemany the incident where I had nearly killed Frances, recounting to her how I had experienced a problem with one of my children days earlier and intended to kill Frances after several unsuccessful attempts to contact her on the telephone. I advised Alemany that although I had spared Frances that day, I continued to despise her and wished that she were dead so that my problems could be eliminated. I then proceeded to recite my

motto for dealing with my problems, telling Alemany, in a monosyllabic tone: "If you can't solve the problem, you eliminate the problem."

36. It did not take long before my anger toward Frances again resulted in physical violence. On June 10, 1995, without providing Frances with twelve hours of notice as required by a Consent Order issued less than two weeks earlier, I appeared at the Bridgewater rooming house with my older son Walter under the pretense of inspecting the premises. When I arrived at the rooming house, I proceeded to lure Frances downstairs to the basement by falsely informing her that I wanted to verify whether any rooms were occupied. Before Frances had a chance to protest, I scurried down to the basement. Frances followed me closely, with Walter trailing six feet behind. When the three of us entered the basement, Frances objected to my "inspection," asserting that I failed to give her twelve hours of notice before my arrival. Frances informed me that I was violating a Consent Order and threatened to call the police. I ignored her complaints and attempted to gain access to the boiler room using my master key. As Frances turned her head to look to Walter for assistance, I forcefully punched Frances in the eye two times, breaking her eyeglasses. I then struck her in the chest, causing her to fall to the floor and begin screaming for help. While Frances was on the floor, I kicked her repeatedly in the head, chest, legs, and genitalia. During my act of rage, Walter helplessly watched the incident at the top of the staircase.

37. Dan Burnett apparently heard Frances being assaulted and decided to assist her. Wielding a kitchen knife, Burnett burst out from one of the rooms in the basement and began charging me. I noticed Burnett rapidly approaching and protected

myself by pushing Frances between me and Burnett, using Frances as a shield. Frances and Burnett collided with each other and stumbled, giving me the opportunity to escape. With Walter in the lead, he and I quickly ran out of the basement into the kitchen, where Walter picked up a white plastic lawn chair to protect himself from Burnett. When Burnett did not emerge from the basement several seconds later, Walter dropped the chair and followed me outside, where we both proceeded to leave the scene in my utility truck.

38. After this incident, my legal troubles began to increase significantly. On June 13, 1995, Frances filed a Domestic Violence Complaint against me for assaulting her in the basement of the Bridgewater rooming house, causing the issuance of another Temporary Restraining Order. On July 18, 1995, Frances filed a Criminal Complaint against me for stealing her mail, conduct which I committed over six months earlier. On July 26, 1995, the family court judge issued an Order freezing my home-equity account indefinitely in response to complications caused by the unilateral withdrawal of \$50,000 from my home-equity account by Frances.

39. Despite my preoccupation with legal matters, my efforts to acquire cash continued. Since Burnett was now an intended murder target, I also began compiling data profiling Burnett's identity and lifestyle. By March 1996, I had accumulated exactly \$36,000 in cash and assorted documentation profiling Frances and Burnett, including checks, pictures, a driver's license, and paperwork, among other items. I placed the money and profile in the packets of aluminum foil which I had previously hidden inside the ceiling tile in the basement of the Martinsville residence.

40. In mid-August 1995, I telephonically contacted my uncle, Jozsef Toth, at his home in Jacksonville, Florida. Although I had not seen Toth in over fifteen years, I was able to coax him into purchasing firearms and ammunition for me by falsely assuring him that I would obtain a permit for the firearms and that I would use the firearms in a responsible manner. Mindful of Falcon's requirements, I informed Toth that I needed to acquire "large-caliber" firearms, preferably .380s and 9 millimeters.

41. On October 2, 1995, Toth appeared at the Martinsville home with a cardboard box containing a 9-millimeter Taurus PT92 (Serial #TNK11774), 9-millimeter Ruger P89 (Serial #309-58756), and .380-caliber AMT Backup (Serial #DA23310), as well as two boxes of Winchester 9-millimeter ammunition. The box also contained gun accessories, including a plastic bag labeled "Taurus Brazil," an Uncle Mikes shoulder holster, and a pamphlet and warranty card for the Taurus.

42. Before relinquishing the firearms, ammunition, and gun accessories to me, Toth required me to sign a typewritten receipt, titled "Buying and Selling Agreement," which certified the transference of the guns. Once the document was signed, Toth left the Martinsville residence to return to his home in Florida. Afterwards, I secreted the gun accessories and typewritten receipts in different places throughout the Martinsville home, specifically placing the pamphlet and warranty card inside a desk drawer in my office, the gun receipts in my bedroom inside the drawer of my nightstand, and the shoulder holster and plastic bag for the Taurus inside the ventilation duct in the basement alongside the .25-caliber Raven.

43. Additionally, that same day, to verify whether the 9-millimeter Taurus

was operating properly, I loaded the Taurus, went down to the basement of the Martinsville home, and shot the gun at a piece of plywood which I had propped against the cinder-block base of the elevated crawl space. The bullet from my discharge of the Taurus penetrated the plywood, went through the Masonite wall paneling, and smashed into the cinder-block base of the crawl space. I feverishly searched for the expelled bullet but ultimately gave up my search when I realized that the bullet was well disguised and not readily visible.

44. Two or three days later, I contacted Falcon from a payphone and summoned him to the Martinsville residence. In accordance with the terms of the agreement to kill Burnett, I gave Falcon \$15,000 and a "large-caliber" firearm, namely, the 9-millimeter Taurus supplied by Toth, which was loaded with fifteen rounds of Winchester 9-millimeter ammunition. Upon my inquiry, Falcon assured me that Burnett would be killed within thirty days.

45. I decided to take precautionary safeguards to prepare for the aftermath of Burnett's murder. I temporarily relocated the 9-millimeter Ruger and .380-caliber AMT, along with various rounds of 9-millimeter ammunition, to my dump truck which was parked behind the Somerville rooming house. Additionally, to account for the disappearance of the 9-millimeter Taurus in the wake of potential police inquiry, I staged a fictitious house burglary on October 6, 1995. When an officer from the Bridgewater Police Department responded to the Martinsville residence that day to investigate the incident, I falsely informed the officer that an unidentified thief had burglarized my home and had escaped with more than \$800 in cash. I speculated to the

officer that the burglar may have entered the house through an open window.

46. On October 16, 1995, at approximately 11:30 p.m., several police officers appeared at the Martinsville residence and informed me that one of my tenants, Neil Dougherty, had been shot several hours ago at the Bridgewater rooming house. The officers stated that they were investigating the shooting of Dougherty, and they requested permission to conduct a search of the interior of the Martinsville home. The information supplied to me by the officers led me to infer that Falcon had attempted to kill Burnett but for some reason shot the wrong person. It was clear to me, nonetheless, that I was regarded as a suspect in the shooting. Accordingly, I refused to provide the officers with consent to search the residence and ordered them to vacate the premises.

47. On October 17, 1995, a police officer contacted me at around 8:30 p.m. on my cellular telephone while I was at one of my rooming houses. The officer advised me that members of the Bridgewater Police Department and the Somerset County Prosecutor's Office were presently at the Martinsville residence in possession of a Search Warrant issued earlier that day. The officer stated that the Search Warrant authorized the police to search the residence for firearms, ammunition, and gun paraphernalia. The officer instructed me to return to the Martinsville home immediately to observe the search.

48. I complied with the officer's instructions and arrived at the Martinsville home less than fifteen minutes later. As soon as I arrived at the residence, I was escorted to my office by detectives and directed to sit on the couch. Thereafter, Detective Thomas Dinan advised me of my constitutional rights. I waived my rights

and agreed to speak with the police. During the ensuing interrogation, numerous police officers "grilled" me concerning my knowledge of the shooting of Neil Dougherty and my possession of firearms. I responded to these inquiries by persistently disclaiming knowledge of the shooting and denying having recently owned or acquired firearms. Twenty minutes into the interrogation, Captain A.A. Bucarey informed me that he had discovered the gun receipt which I had placed in my bedroom inside the drawer of my nightstand. The officers thereupon demanded that I surrender the guns specified in the receipt. At this juncture, I realized that I had been caught "red-handed" and was now under tremendous pressure to surrender the guns. Accordingly, I relented and "agreed" to surrender the guns to the police the following morning.

49. I did not trust the police. During the early morning hours of October 18, 1995, I retrieved the 9-millimeter Ruger, .380-caliber AMT, and various rounds of 9-millimeter ammunition from my dump truck. Afterwards, I brought the guns and ammunition down to my workshop in the basement of the Martinsville home. I then proceeded to cut the guns apart with an electric saw to prevent the police from conducting ballistics tests on the firearms. After mutilating the weapons, I placed the gun parts and ammunition in a cardboard box, sealed the box with a garbage bag and duct tape, and placed the box outside on the front sidewalk. As instructed by the officers, I subsequently contacted police headquarters shortly after 11:00 a.m. that morning. In response to my telephone call, Detectives Mark Zaslavsky and Robert Wilt, among other officers, responded to the Martinsville home. When the officers arrived, I directed them to the cardboard box containing the gun parts and ammunition.

50. After the officers left the Martinsville home that morning, I went to a local convenience store to purchase a copy of the *Courier News* newspaper, dated October 18, 1995, which prominently featured the shooting of Neil Dougherty as the lead story. The headline of the article read, in large boldface print: "Shot Bridgewater man is former NYC cop." When I arrived home from the store, I circled the article with a black marker. I then contacted Falcon from a payphone to schedule a meeting with him at the Atlantis Detective Bureau. When the both of us met several days later, I showed Falcon the circled newspaper article and informed him that he had shot the wrong person. Falcon apologized for failing to fulfill his contract and promised me that he would compensate for the error by making another attempt at Burnett's life. However, faced with pressure by the police from the investigation of the Dougherty shooting, I placed a moratorium on Falcon's contract and instructed him to "lay low" for several months until the pressure ceased. Falcon handed the circled newspaper article back to me, stating that he understood my directions. When I arrived home from the meeting, I placed the newspaper article inside the desk drawer in my office alongside the pamphlet and warranty card for the 9-millimeter Taurus.

51. Subsequently, my long-standing animosity toward Frances continued to increase. On October 23, 1995, after an unfavorable decision on a motion filed by Frances to resume full management of the Bridgewater rooming house, I confronted Frances outside the courtroom to notify her of my displeasure. Unable to control my anger, I threatened to have Frances killed, informing her that I would "get" her "one way or another." This threat ultimately caused Frances to file a Domestic Violence

Complaint against me two days later, again leading to the issuance of another Temporary Restraining Order.

52. I decided to retaliate against Frances. On November 23, 1995, while Frances was on vacation with Dan Burnett during the Thanksgiving holiday, I broke the door to her apartment, entered her room, and rummaged through her personal belongings. After searching for twenty minutes, I discovered paperwork and canceled checks detailing substantial financial transactions between Frances and Burnett. The documentary evidence indicated that Frances had "loaned" Burnett over \$12,000 and that Frances was paying Burnett's personal expenses, including private aviation lessons, computer purchases, and legal fees associated with Burnett's defense against criminal child-molestation charges. By virtue of this evidence, I realized that Frances continued to defraud me, this time to the benefit of Burnett. I was outraged, to say the least.

53. On December 5, 1995, after returning from her vacation, Frances filed a Criminal Complaint against me for crimes stemming from my invasion of her apartment, including theft and trespassing. Consequently, I was required to answer these charges during another court appearance, scheduled to be held one month later.

54. Meanwhile, the divorce between me and Frances was approaching finality. On December 22, 1995, an appraiser was appointed by the family court judge to value our marital assets. On January 17, 1996, Thomas S. Wagner, a court-appointed Certified Public Accountant, wrote a letter to my matrimonial attorney, Charles W. Clemens, Esq., urging both parties to reach an agreement concerning the scope of the marital estate. Based on my knowledge of these developments, I expected the divorce

to be finalized in April or May 1996.

55. My realization that the divorce was approaching finality and that equitable distribution of marital assets was imminent caused me to suffer anxiety and severe panic. As a result, I met Falcon at the Atlantic Detective Bureau in early February 1996 and informed him that I wanted to abandon the murder of Burnett and proceed with the murder of Frances instead. I advised Falcon that Frances usually visited the Martinsville residence periodically to transport the children to social events. I stated that I could find out in advance when Frances was next scheduled to arrive at the Martinsville residence by monitoring the children's telephone conversations. I suggested to Falcon that he wait for Frances outside at that time and ambush her as she pulls into the driveway in her white 1987 Jeep Cherokee Laredo. Falcon expressed interest in my scheme.

56. As a veteran electrician with over twenty-five years of experience, I proceeded to install an electronic eavesdropping device in the Martinsville residence in order to monitor the children's telephone conversations. The following morning, I went down to the basement of the Martinsville home and entered the elevated crawl space to gain access to the telephone line. With tools from my electrical kit, I severed the telephone line and stripped the plastic sleeve of the line to expose the copper wiring. I then connected a telephone jack to the copper wiring and mounted the jack to a vertical wooden support beam attached to the ceiling. I next inserted a power-regulating device, which was manufactured by Radio Shack, into the telephone jack, and I connected an audiotape recorder to the power-regulating device. The audiotape

recorder contained a Supertape cassette tape.

57. My installation of the foregoing electrical components enabled me to record the children's telephone conversations. Over the course of the next ten days, I periodically substituted a new Supertape cassette tape when the old cassette tape reached its full capacity. When I reviewed the recordings in late February 1996, I learned that Walter had made arrangements with Frances for her to pick Walter up to drive him to the Bridgewater Commons shopping mall. The telephone recordings revealed that Frances was scheduled to arrive at the Martinsville home for the trip at approximately 7:00 p.m. on March 1, 1996.

58. Upon learning when Frances was scheduled to arrive, I immediately contacted Falcon using a payphone and requested him to respond to the Martinsville residence to discuss the murder. When Falcon arrived at the Martinsville home the following day, we greeted each other outside at the top of the driveway. Eager to discuss the murder, I immediately informed Falcon that Frances was expected to arrive at the Martinsville home at 7:00 p.m. on March 1, 1996, to transport one of the children to a shopping mall. I reiterated my suggestion that Falcon hide in bushes across the street until Frances arrived and that he ambush her as she pulls into the driveway in her Jeep Cherokee Laredo.

59. In consideration for the blotched attempt on Burnett's life, Falcon credited me with the \$15,000 payment which I had given to him previously, and he requested an additional \$10,000 to cover the balance of his \$25,000 fee. I informed Falcon that he would receive his \$10,000 payment on March 1, 1996, only if he showed up at the

Martinsville residence at 6:00 p.m., one hour before Frances was scheduled to arrive.

Falcon assured me that he would be there at that time.

60. During our meeting outside the Martinsville home at the top of the driveway, I proceeded to show Falcon a proposed getaway route. With Falcon following closely behind, I walked east down Middle Road, made a left turn at the T-intersection of Ridge Road, and made a right turn into a secluded pathway between two adjoining properties. I then walked to the end of the pathway, past a section of collapsed barbed-wire fence, into an open field. When we both entered the open field, I made a left turn and walked parallel to the barbed-wire fence, which bordered the property line. After walking approximately 100 yards, we reached Houston Court, a cul-de-sac connecting perpendicularly to Newman's Lane, a major throughway.

61. Once at this location, I advised Falcon to park his car at the Houston Court cul-de-sac to enable him to flee the area without having to drive through the Tormasi neighborhood, a secluded residential development with only one exit street. I also advised Falcon to "plant" a ski mask containing another person's head hairs along the getaway route in order to thwart the ensuing police investigation. Falcon stated that my proposed getaway route and evidence-fabrication scheme suited him and that he would accept my recommendations. Thereafter, we both returned to the Martinsville residence by backtracking my proposed getaway route, whereupon Falcon and I split up and went our separate ways.

62. On the morning of March 1, 1996, I proceeded to prepare Falcon's payment for the murder. I went down to the basement of the Martinsville residence

and retrieved \$10,000 from inside the packet of aluminum foil within the ceiling tile, leaving exactly \$11,000 remaining. After placing the money in a white envelope, I hid the money outside the house in a grove of bushes located in the southwest corner of the back yard to alleviate my having to carry the money in my possession or having to enter the house that evening to retrieve the money.

63. Later that day, at approximately 3:40 p.m., I left the Martinsville home in my Chevrolet conversion van to transport my younger daughter's friend, Lisa Petterson, to a 5:00-p.m. gymnastics practice. Afterwards, I returned to the Martinsville home, arriving there shortly before 6:00 p.m.

64. Upon my arrival, I parked my conversion van at the bottom of the driveway and entered the attached garage through a side door to gain access to the light switches which controlled the incandescent pagoda-shaped ground lights lining the driveway. After locating the corresponding switches, I decreased the intensity of the lights to create more darkness, and I deactivated the motion sensor at the head of the driveway to prevent the lights from automatically turning on at full intensity when commotion or movement occurred in the driveway area. Next, I entered the kitchen through a door inside the garage and flipped a light switch to deactivate the square quartz floodlight and correlating motion sensor located above the garage. With these adjustments, the floodlight above the garage was completely dark, and each of the ground lights lining the driveway was excessively dim and barely visible, essentially equaling one or two candelas, or about the luminous intensity provided by an ordinary wax candle. In my opinion, these lighting conditions were ideal for facilitating Falcon's

commission of the murder and his subsequent escape.

65. Immediately thereafter, I exited the house through the side door of the garage and waited at the bottom of the driveway for Falcon to arrive. Falcon appeared out of the darkness five minutes later walking in a westerly direction on Middle Road, apparently backtracking the getaway route which I showed to him several days earlier. As Falcon materialized out of the darkness, I noticed that he was wearing dark clothing and carrying a ski mask. Falcon evidently observed me standing at the bottom of the driveway and headed in my direction. When we intersected, I handed Falcon a Sportsman Lantern flashlight and requested him to illuminate my path with the flashlight to assist me retrieve his \$10,000 payment which I had hidden earlier that day.

With Falcon operating the flashlight, I led him behind the house to the grove of bushes at the southwest corner of the back yard. After several minutes of searching, I located the white envelope containing the money and handed the envelope to Falcon. In response, Falcon placed the envelope in his pocket and returned the flashlight to me.

66. After furnishing the money to Falcon, I proceeded to establish an alibi to counteract my status as a logical suspect in the murder. I placed the Sportsman Lantern flashlight inside the rear compartment of my GMC utility truck and drove the truck to Somerville, New Jersey, to run errands. After driving one of my tenants around town, I drove to the Bridgewater rooming house to meet Tammy Mattox, a prospective tenant who had scheduled an appointment with me to view a room. I arrived at the Bridgewater rooming house several minutes before 7:00 p.m., with Mattox arriving five minutes later. Mattox and I encountered each other on the second floor of the rooming

house. After Mattox identified herself, I led her downstairs to Room #2. Mattox inspected the room, and I proceeded to fill out a Tenancy Application Form.

67. While I was showing Mattox the room at the Bridgewater rooming house, I received a call on my cellular telephone at 7:18 p.m. from Attila Jr., who informed me that Frances had been shot on the driveway outside the Martinsville home. In response, I pretended that I had been surprised by this information, and I stated that I would return home immediately. Before returning home, however, I proceeded to solidify my alibi. I handed Mattox a calendar and instructed her to write the current date and time on a designated section of the calendar. While Mattox complied with my instructions, I wrote "7:20" in the left-hand margin of the Tenancy Application Form, denoting the current time. At that moment, I received another call from Attila Jr., who advised me that I would probably be considered a suspect in the shooting and should therefore substantiate my alibi by confronting several tenants. Of course, I complied with Attila Jr.'s recommendations and notified several tenants of my presence at the rooming house. I then called a taxi service at 7:25 p.m. to arrange for a taxicab to arrive at the rooming house to transport Mattox to her requested destination.

68. Thereafter, I returned to the Martinsville home in my utility truck. I arrived at the residence shortly after 7:40 p.m. but was unable to park directly in front of the house due to obstruction from police vehicles and personnel. Accordingly, I parked my utility truck slightly down the street and began approaching the residence on foot. However, I was immediately turned back by the police and directed to return to my truck. After several minutes, an officer came up to my truck and requested to use

my cellular telephone. I allowed him to use my telephone, and he proceeded to make two calls, one at 7:45 p.m. and one at 7:46 p.m. Detective Manuel Caravela approached my truck at around 8:00 p.m. and requested permission to search the Martinsville residence. Afraid that incriminating evidence would be discovered, I refused to provide permission to search the residence and demanded to speak with my attorney.

69. At approximately 10:00 p.m., I was ordered by the police to exit my truck and to accompany law-enforcement personnel to the Detective Bureau of the Somerset County Prosecutor's Office to answer questions concerning the murder. While I was at the Detective Bureau, I informed the officers that I was at the Bridgewater rooming house at the precise moment Frances was murdered. To corroborate my alibi, I provided the officers with Tammy Mattox's Tenancy Application Form reflecting the "7:20" handwritten inscription in the left-hand margin. I also notified the officers that Mattox and several tenants could verify my presence at the rooming house. I eagerly provided the officers with a detailed account of my daily activities on the day of the murder, with one critical alteration: Although I admitted to the officers that I had returned to the Martinsville residence at around 6:15 p.m., I claimed that I did so only to switch vehicles; significantly, I did not mention my deactivation of the driveway lights and motion sensors, my 6:00-p.m. meeting with Falcon, or my flashlight-illuminated trip to the back yard to retrieve the money.

70. While the murder investigation continued, I was permitted to leave the Detective Bureau to carry on my personal affairs. Initially, Detective Caravela and Sergeant Paul Sangiuliano transported me to the Martinsville residence at 4:45 a.m. on

March 2, 1996, whereupon I was ordered to surrender the keys to my GMC utility truck and Chevrolet conversion van. The Martinsville residence at this time remained quarantined while the police conducted a comprehensive search of the residence pursuant to a Search Warrant. Consequently, my older daughter Sophia was permitted to enter the residence, with police supervision, to retrieve clothing, money, and hygienic products. Thereafter, I was given permission to take possession of Sophia's Acura Integra and then ordered to vacate the premises. After departing the scene, I rented a room at a local Holiday Inn, where I stayed at during the duration of the search, which lasted approximately seven days.

71. - As Walter's legal guardian, I was notified by the police on March 4, 1996, that Walter had been arrested, charged with the murder of Frances, and placed in a detention facility for juveniles. I was shocked when I received this information. I had not anticipated that Walter would be arrested and charged in connection with the murder. Rather, I had believed that the police would place the umbrella of suspicion on me as opposed to Walter. With the benefit of hindsight, I now know that Walter, as a mere innocent bystander, stood a significant chance of falling victim to a crime committed by another person through my own instigation. In retrospect, I wish that I had not hired Falcon to kill Frances.

72. Despite my sincere regrets and concern for Walter, my desire to avoid criminal prosecution remained paramount and took precedence in the events to follow. As was the case before, I did not want to spend the rest of my life in prison. I had served time in prison before and knew how perverse prison conditions could become. I

had worked hard throughout my entire life to build an appreciable fortune, and I intended to enjoy the fruits of my labor.

73. Soon after Walter was charged with the murder of Frances, I learned that the Office of the Public Defender, in late March 1996, had assigned Lewis N. White III, Esq., to represent Walter. From the inception of White's assignment to the case, I worked closely with him under the guise of assisting in Walter's defense. My actual intentions, however, were quite different: Consistent with my desire to avoid criminal prosecution, I wanted to prevent White from presenting evidence at Walter's trial concerning my hiring Falcon. Indeed, I knew that if White implicated me in the murder at Walter's trial, the prosecutor could have prosecuted me for the death of Frances.

74. To achieve my goal of escaping criminal liability, I initially attempted to influence White's defense strategy through subtle coercion and trickery. Specifically, to divert attention away from myself, I shifted responsibility for the murder to Dan Burnett by repeatedly suggesting to White that Burnett had hired someone to kill Frances to intercept the \$120,000 which Frances had stolen from the passbook accounts held at Raritan Savings Bank. Utilizing this ploy, I attempted to steer White's defense strategy in a direction favorable to my interests. To my credit, I discerned through conversations with White that this subterfuge worked during the early and middle phases of his defense preparation.

75. In August 1997, while Walter was free on bail, I learned that Walter intended to sabotage my efforts to cajole White into blaming Burnett for the murder. From that month on, Walter had expressed to me on numerous occasions that he

believed that I had hired someone to kill Frances. Walter had also advised me that he did not accept my incredible and unsubstantiated theory that Burnett was somehow responsible for arranging the murder.

76. In support of his belief that I had hired someone to kill Frances, Walter indicated to me that he knew (1) about my prior history of domestic violence against Frances; (2) that I wanted Frances killed to avoid equitable distribution of marital assets and to seek retribution for her commission of adultery and theft of large sums of money; (3) that I previously employed a "private detective" to "investigate" Frances; and (4) that my actions before and after the murder appeared orchestrated and highly suspicious. - Walter also advised me that his independent examination of the pretrial discovery supplied to him by White revealed additional facts pointing to my complicity in hiring someone to commit the murder. According to Walter, this evidence, as set forth in the discovery, consisted of (5) my statements to Judith Marx and Diane Alemany professing my hatred of Frances and my desire and intention to kill her; (6) the surveillance videotapes, surveillance logs, and computer diskette containing *The Anarchist Cookbook* discovered in the Martinsville home; (7) the \$11,000 in cash and the profile of Frances and Burnett discovered in the ceiling tile in the basement; (8) my receipt of a 9-millimeter Taurus and two boxes of Winchester 9-millimeter ammunition from my uncle; (9) the expelled 9-millimeter bullet discovered in the basement behind the Masonite wall paneling of the cinder-block base of the elevated crawl space; (10) the circled *Courier News* newspaper article about the shooting of Neil Dougherty and the pamphlet and warranty card for the 9-millimeter Taurus discovered inside the desk

drawer in my office; (11) the gun receipts discovered in my bedroom inside the drawer of my nightstand; (12) the loaded .25-caliber Raven, the plastic bag labeled "Taurus Brazil," and the Uncle Mikes shoulder holster discovered in the ventilation duct in the basement; (13) my fabrication of the house burglary weeks before the Dougherty shooting; (14) the Supertape audiotape discovered inside the crawl space in the basement; (15) the observation by neighbors of two people in the back yard of the Martinsville home with a flashlight shortly before the murder, my purchase of a flashlight days earlier, and the discovery of a flashlight in the rear compartment of my utility truck; (16) my deactivation and dimming of the driveway lights and motion sensors shortly before the murder; and (17) the ballistics link between the murder of Frances, the shooting of Dougherty, and the expelled bullet discovered in the basement. This evidence, according to Walter, cumulatively implicated me in hiring someone to kill Frances and, consequently, possessed the capacity to engender a reasonable doubt by a jury with respect to Walter's guilt.

77. During that conversation and numerous others in the months to follow, Walter advised me that he was going to instruct White to implicate me in the murder at his trial by utilizing the foregoing evidence. These representations by Walter greatly troubled me, for obvious reasons. I realized that White's implementation of Walter's defense strategy conflicted with my interests because it could have exposed me to criminal prosecution for the murder. This realization caused me to suffer unbearably high levels of stress and anxiety, causing a sharp rise in my blood pressure.

78. On October 24, 1997, I suffered a heart attack at the Martinsville residence,

which resulted in my immediate hospitalization and subsequent quadruple-bypass heart surgery. I was discharged from the hospital on November 14, 1997, approximately three weeks after my admission.

79. During my stay at the hospital, I learned that Walter's trial had been scheduled for January 5, 1998. I viewed this information as highly problematic. As a result of my heart attack, I realized that my health was rapidly deteriorating and that I would not live much longer. The shortness of my life expectancy—estimated by me to be ten years at best—gave me an even greater incentive to avoid being prosecuted for my hiring Falcon to commit the murder. I was therefore highly desperate and knew that I had to take drastic measures to protect myself. After considering my options, I decided to secretly furnish White with \$10,000 in exchange for his agreeing not to implicate me in the murder at Walter's trial.

79. In accordance with my endeavor to bribe White, I decided to make two separate cash withdrawals from my personal checking account at Summit Bank. I decided to make each withdrawal one month apart in the amount of only \$5,000 in order to circumvent regulation requiring the bank to report the transaction to the federal government, which, in turn, could have required me to provide an itemized explanation concerning my purpose for withdrawing the money.

80. On November 17, 1997, three days after being discharged from the hospital, I wrote a \$5,000 check payable to the order of "cash." On the face of the check, I instinctively wrote the words "Legal (White)" on a line reserved for describing the purpose for the disbursement. The bank processed my check on November 24, 1997,

and provided me with \$5,000 in cash. That same day, I contacted White on the telephone at his law office in New Brunswick, New Jersey, and requested him to meet me at a diner located on East Main Street near the Somerset County Courthouse. When we met inside the diner several days later, I handed White an envelope containing the \$5,000 in cash. I advised White of the contents of the envelope and informed him that I was giving him the money as an "incentive" for his loyalty. I instructed White that I expected him to protect my interests by not presenting evidence at Walter's trial concerning my responsibility for the murder of Frances. I informed White that I would provide him with an additional \$5,000 midway through Walter's trial if the trial went according to my liking. White stated that he understood the agreement, and he placed the envelope containing the money inside the pocket of his jacket.

81. Walter's trial, which had been postponed one week from its original date, commenced on January 12, 1998, beginning with jury-selection proceedings. On January 15, the second day of actual testimony, White notified me after the Court recessed for the day that he expected the State to rest its case against Walter within three court days and that he anticipated calling me to the witness stand on January 22 to testify on Walter's behalf.

82. On January 20, 1998, pursuant to my prior arrangement with White, I wrote another check against my personal checking account in the amount of \$5,000, payable to the order of "Attila Tormasi," again writing "Legal (White)" on the line reserved for describing the purpose for the disbursement. On January 21, one day before I was expected to testify, I accosted White in a parking lot near the Courthouse

after the Court recessed for the day. I handed White another envelope containing \$5,000 and reminded White to refrain from implicating me in the murder of Frances. I warned White that if either he or the prosecutor questioned me too aggressively or otherwise attempted to insinuate that I was somehow involved in the murder, I would assert my Fifth Amendment privilege against self-incrimination.

83. On the afternoon of January 22, 1998, White called me to the witness stand to testify. As I had expected, White's direct examination of me was relatively brief and inextensive, lasting less than ten minutes in duration. During his examination, White asked me general questions concerning my receipt of firearms from my uncle, my disposition of those firearms, and my activities on the night of the Dougherty shooting.

Significantly, White did not ask me any specific questions about the murder of Frances.

84. In contrast to White's direct examination, the prosecutor's cross-examination of me was considerably more comprehensive, lasting well over twenty-five minutes in duration and consisting of numerous leading questions designed to invite negative or incriminating innuendoes. Specifically, the prosecutor explored a number of subjects during his examination, including, but not limited to, the divorce between me and Frances, the equitable distribution of marital assets, the commission of adultery by Frances, and my ultimate involvement in the murder. At the height of the prosecutor's intense cross-examination, I found myself unable to handle the pressure and asserted my Fifth Amendment privilege against self-incrimination.

85. On January 26, 1998, Walter was convicted of the murder of Frances. He was subsequently sentenced by the trial court to an aggregate life term of imprisonment

with a 30-year period of parole ineligibility.

86. Over the course of the next eighteen months, I began experiencing serious financial difficulties. By November 1999, I owed over \$50,000 for medical expenses and repairs to my rooming houses, among other things. In early November 1999, I requested Summit Bank to renew my commercial mortgage on the Somerville rooming house in order to enable me to finance my debt and pay my expenses. On November 15, 1999, the Assistant Vice President of Summit Bank, Eleanor K. DeFreitas, wrote me a letter notifying me that two liens had been filed against my assets to satisfy civil judgments in the amounts of \$8,872.60 and \$11,456.10 in favor of the Office of the Public Defender. In her letter, DeFreitas suggested that the existence of the Public Defender's liens rendered me ineligible for the renewal of my mortgage. I was very disturbed by this information because I believed that the bank's refusal to renew my mortgage could have left me with no other alternative but to declare bankruptcy.

87. In light of my severe financial difficulties, I decided to challenge the validity of the Public Defender's liens. On December 23, 1999, I wrote a letter to Joel M. Harris, Esq., an Assistant Public Defender. In my letter to Harris, I requested that the liens be immediately nullified. I asserted that White's representation of Walter was deficient and that I should not be held accountable for the expenses incurred by Walter's legal defense because Walter was tried as an adult. I also indicated that the Public Defender's judgments against me had been satisfied because I had furnished White a total of \$10,000 in November 1997 and January 1998. I appended to my letter photocopies of checks, check stubs, and bank records which confirmed and

corroborated my withdrawal and subsequent transference of the money to White.

88. Several months later, in early 2000, an investigator from the Office of the Public Defender appeared at the Martinsville residence to interview me concerning the allegations contained in my letter to Harris. I explained to the investigator essentially what I had stated in my letter to Harris, reiterating the reasons why the Public Defender's liens should be vacated. In response, the investigator advised me that he would investigate the matter further and would contact me at a later date to notify me about the outcome. However, I never heard from the investigator since.

89. Since the jury's rendition of its verdict falsely convicting Walter of the murder of Frances, I initially possessed high prospects for intervention and correction by the appellate courts. To increase Walter's chances for success, I paid approximately \$40,000 to retain the services of Gilbert G. Miller, Esq., to represent Walter on appeal. In support of Walter's appeal, Miller submitted a 140-page primary brief raising eleven legal arguments and a 58-page reply brief addressing the State's responding arguments. Based on Walter's innocence and the numerous, apparently meritorious issues advanced by Miller on appeal, I was confident that the appellate courts would reverse and vacate Walter's conviction, thereby affording Walter another opportunity to exonerate himself from the murder.

90. My long-awaited prospects for justice, however, were ultimately shattered. On July 20, 2001, the Superior Court of New Jersey, Appellate Division, affirmed Walter's conviction in a 52-page unpublished opinion. Needless to say, I was extremely distraught by the appellate court's decision. As a result, I underwent

unbearably high levels of stress and anxiety.

91. On September 20, 2001, exactly two months after the appellate court's unfavorable ruling against Walter, I suffered a heart attack while performing mundane activities in my bedroom at the Martinsville residence. I immediately yelled for medical assistance. Attila Jr. heard my request for help and entered my bedroom. I hastily informed Attila Jr. that I was having a heart attack and was experiencing severe chest pains, difficulty breathing, and dizziness. In response, Attila Jr. brought me to the kitchen, instructed me to ingest two tablets of Aspirin, and volunteered to drive me to the hospital for medical treatment. During my hospitalization, I received an angioplasty operation to clear a blocked coronary artery and was prescribed heart medication and several nitroglycerin patches.

92. During the ensuing months, Walter's legal predicament worsened. On January 10 and May 13, 2002, the New Jersey Supreme Court denied Walter's petition seeking discretionary appellate review and his motion seeking reconsideration of that decision, respectively. These repeated unfavorable rulings necessitated additional litigation by Walter.

93. On July 8, 2002, Walter sought to collaterally attack his conviction by filing a petition with the trial court seeking "post-conviction" relief. After having experienced over four years of what I believed to be "kangaroo" litigation, I no longer trusted the judicial system to make fair and impartial rulings. Consequently, I did not expect Walter to secure a reversal of his conviction during this or any subsequent proceeding, either in state or federal court. My perceived hopelessness for Walter disturbed me

greatly and caused me to suffer substantial amounts of stress and anxiety.

94. In October 10, 2002, approximately three months after Walter instituted post-conviction proceedings with the trial court, I suffered another heart attack while watching television in the living room in the Martinsville residence. During my heart attack, I began experiencing chest pain, shortness of breath, and nausea. After shouting for help, Attila Jr. came to my assistance, provided me with two tablets of Aspirin, and transported me to the hospital for medical treatment. I received another angioplasty operation several days later and was again prescribed heart medication and nitroglycerin patches.

95. After suffering my heart attack, which constituted my third one in only five years, I realized that I was closer to dying than I had originally anticipated. Concluding that I had only one or two more years to live, I determined that I needed to set the record straight concerning the murder of Frances as soon as possible. To accomplish this task, I decided to execute an Affidavit explaining in detail the circumstances concerning my complicity in the murder, as memorialized herein.

96. To this date, Walter remains incarcerated at a maximum-security adult prison located in Trenton, New Jersey.

97. Based on the foregoing facts and attendant circumstances, I am able to posit as fact that Walter is not guilty of murdering Frances. As I noted previously, Walter was merely an innocent bystander who had fallen victim to a crime committed by another person through my own instigation.

98. I understand that this Affidavit exposes me to potential criminal liability